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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,162	07/24/2001	Dominick H. Salvato	1219	3989

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LEGAL DEPARTMENT
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HOLTSVILLE, NY 11742

EXAMINER

NGUYEN, KIMBERLY D

ART UNIT PAPER NUMBER

2876

DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,162

Applicant(s)

SALVATO ET AL.

Examiner

Kimberly D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - Page 1, line 7: Actual serial number must be filled in the blank.
 - Page 6: Figures 3A-3F are missing from the Brief Description of The Drawings.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Janik et al. (US 2002/0078248; hereinafter "Janik").

Janik teaches an adapter/cradle unit (14, 54 in fig. 9) for communicating with a personal digital assistant (2 in fig. 9) and reading a product identification code (i.e., a bar code scanning

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sub-system can be designed into the wireless adapter module 14, which resident within the cradle 54; see paragraph 46), the personal digital assistant having a back surface, two side surfaces defining a width of the personal digital assistant, a top surface and a bottom surface defining a length of the personal digital assistant (fig. 5) and an expansion connector (PDA connector 50 in fig. 5; paragraph 31), the adapter unit comprising:

a carrier portion (adapter module 14) having a bottom wall and two sidewalls, the bottom wall having a top section and a bottom section, the top section of the bottom wall being configured to conform to the back surface of the personal digital assistant (see figs. 5 and 9; paragraphs 33-34);

a cover secured to the bottom section of the bottom wall of the carrier portion (see figs. 7 and 9; paragraphs 33-35);

an adapter connector (22 in fig. 5) for creating a communications link with the expansion connector (PDA connector 50 in fig. 5) of the personal digital assistant (see paragraphs 12 and 39); and

a product identification reader (a bar code scanning sub-system can be designed into the wireless adapter module 14) for reading the product identification code, the product identification reader being coupled to the personal digital assistant through the communications link (paragraph 46).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik in view of Herrod et al. (US 6,405,049; hereinafter "Herrod"). The teachings of Janik have been discussed above.

Janik fails to teach or fairly suggest the adapter unit, wherein the product identification reader is a CCD imager.

Herrod teaches a bar code scanner, which serves as product identification reader, is a CCD imager (col. 9, lines 26-49).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known scanner including a CCD imager as taught by Herrod to the teachings of Janik in order to provide code/image reading within the adapter unit to further provide a versatile and compact image-reading/PDA-cradle system , which provide greater convenience to the users for carrying a single device rather than a plurality of devices.

Re claim 5: Although, Janik teaches an adapter unit 14 includes circuitry for a wireless local area network (paragraph 27), it would have been obvious to an artisan of ordinary skill in the art to incorporate the well known wireless local area network into a wireless wide area network (also see paragraph 7) in order to provide a wider data communication, such as WAN network, to further expand the communication network environment.

6. Claims 7-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik in view of Carlson (Des. 426,549; cited by the Applicants).

Janik teaches an adapter/cradle unit (14, 54 in fig. 9) for communicating with a personal digital assistant (2 in fig. 9), the personal digital assistant having a back surface, two side surfaces defining a width of the personal digital assistant, a top surface and a bottom surface defining a length of the personal digital assistant (fig. 5) and an expansion connector (PDA connector 50 in fig. 5; paragraph 31), the adapter unit comprising:

a carrier portion (adapter module 14) having a bottom wall and two sidewalls, the bottom wall having a top section and a bottom section, the top section of the bottom wall being configured to conform to the back surface of the personal digital assistant (see figs. 5 and 9; paragraphs 33-34);

a cover secured to the bottom section of the bottom wall of the carrier portion (see figs. 7 and 9; paragraphs 33-35);

an adapter connector (22 in fig. 5) for creating a communications link with the expansion connector (PDA connector 50 in fig. 5) of the personal digital assistant (see paragraphs 12 and 39); and

wherein the two sidewalls are configured to prevent side-to-side movement of the personal digital assistant relative to the adapter unit.

Janik fails to teach or fairly suggest at least one of the sidewalls is configured to provide a gripping surface, the gripping surface radiates in an outward direction relative to a vertical axis.

Carlson teaches a slide-on accessory for personal digital assistant, wherein at least one of the sidewalls is configured to provide a gripping surface, the gripping surface radiates in an outward direction relative to a vertical axis (see figs 1-2).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the gripping surface radiates in an outward direction relative to a vertical axis of the slide-on accessory for personal digital assistant as taught by Carlson to the teachings of Janik in order to ensure the personal digital assistant is in placed within a desired position of the adapter during communication to further prevent unintentional movement of the personal digital assistant which can cause communication interruption.

Re claim 12: Janik teaches the adapter unit, wherein the adapter unit includes a product identification reader (a bar code scanning sub-system can be designed into the wireless adapter module 14; see paragraph 46)

Re claims 13-14: Although, Janik teaches an adapter unit 14 includes circuitry for a wireless local area network (paragraph 27), it would have been obvious to an artisan of ordinary skill in the art to incorporate the well known wireless local area network into a wireless wide area network (also see paragraph 7).

7. Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik in view of Whitridge et al. (US 6,119,179; hereinafter "Whitridge").

Re claims 25-26: Janik teaches an adapter/cradle unit (14, 54 in fig. 9) for communicating with a personal digital assistant (2 in fig. 9), the personal digital assistant having a back surface, two side surfaces defining a width of the personal digital assistant, a top surface and a bottom surface defining a length of the personal digital assistant (fig. 5) and an expansion connector (PDA connector 50 in fig. 5; paragraph 31), the adapter unit comprising:

a carrier portion (adapter module 14) having a bottom wall and two sidewalls, the bottom wall having a top section and a bottom section, the top section of the bottom wall being

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configured to conform to the back surface of the personal digital assistant (see figs. 5 and 9; paragraphs 33-34) and wherein the two sidewalls are configured to prevent side-to-side and vertical movement of the personal digital assistant relative to the adapter unit;

a cover secured to the bottom section of the bottom wall of the carrier portion (see figs. 7 and 9; paragraphs 33-35);

an adapter connector (22 in fig. 5) for creating a communications link with the expansion connector (PDA connector 50 in fig. 5) of the personal digital assistant (see paragraphs 12 and 39).

Janik fails to teach or fairly suggest a retainer clip for engaging with the top surface of the personal digital assistant and securing the personal digital assistant to the adapter unit.

Whitridge teaches a clip (12a in fig. 1) for engaging with the top surface of the hand-held computer, which serves as personal digital assistant, and securing the personal digital assistant to the adapter unit (fig. 1; col. 3, lines 30-42).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the clip attachable to a user's clothing for ease of using the terminal as taught by Whitridge to the teachings of Janik in order to modify the use of clip for engaging with the top surface of the personal digital assistant and securing the personal digital assistant to the adapter unit as set forth in the claim. Such modification would have been an obvious expedient to an artisan of ordinary skill in the art to integrate the clip into the system for engaging the personal digital assistant to the adapter in order to secure the personal digital assistant to the adapter unit during communication.

Re claim 27: Janik teaches the adapter unit, wherein the adapter unit includes a product identification reader (a bar code scanning sub-system can be designed into the wireless adapter module 14; see paragraph 46)

Re claims 28-29: Although, Janik teaches an adapter unit 14 includes circuitry for a wireless local area network (paragraph 27), it would have been obvious to an artisan of ordinary skill in the art to incorporate the well known wireless local area network into a wireless wide area network (also see paragraph 7) in order to provide a wider data communication, such as WAN network, to further expand the communication network environment.

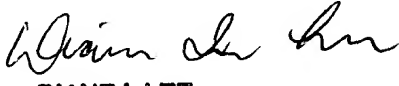
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

KDN
June 2, 2003


DIANE I. LEE
PRIMARY EXAMINER